



## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)  
**1217-053934**

In re Application of: Toshiaki KAWANISHI; Takayuki TAKAHATA; Kenji TOMONARI; Kiyoshi YAMAGISHI; Atsushi KOIKE; Akiko KUBOTA; and Shinichi INOUE  
Application No.: 10/564,331  
Filed: January 11, 2006  
For: Device and Method of Detecting Flow Rate/Liquid Kind, and Device and Method of Detecting Liquid Kind

The owner\*, Mitsui Mining & Smelting Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 7,152,582, and prior patent No. 7,168,300, as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that said prior patents later:

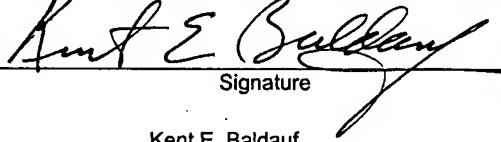
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2.  The undersigned is an attorney or agent of record. Reg. No. 25,826

  
Signature

July 18, 2007

Date

Kent E. Baldauf  
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412-471-8815

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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